

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. § 1.136(a) for the total number of months checked below:


<input checked="" type="checkbox"/>	Extension for response filed within the first month:	\$120.00	\$120.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:			\$120.00
<input type="checkbox"/>	Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:			\$120.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:			\$120.00

☒ A check in the amount of \$120.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 23 August 2005 By  35,087 for

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5538
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Michele M. Simkin
Attorney for Applicant
Registration No. 34,717



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul Averbach
Title: METHODS OF USING NEURAL THREAD PROTEINS TO TREAT
TUMORS AND OTHER CONDITIONS REQUIRING THE REMOVAL OR
DESTRUCTION OF CELLS
Appl. No.: 10/092,934
Filing Date: 03/08/2002
Examiner: Stephen L. Rawlings
Art Unit: 1642

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Office Action mailed June 23, 2005. Applicant has enclosed with this paper a Petition for Extension of Time to make this response timely.

The Examiner requires an election of a single invention defined according to Groups I-XXXII, as set forth on pages 2-6 of the Office Action. According to the examiner, each of these inventions is an independent and distinct invention under 35 U.S.C. § 121. However, the examiner notes that claims 1-3, 17-25, and 39-45 are linking claims, and that "[u]pon allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim depending from or otherwise including all of the limitations of the allowable linking claims will be entitled to examination in the instant application." Office Action at 6.

Applicant traverses the restriction requirement as unduly excessive but files the present response merely for sake of promptly prosecuting the case. Applicant elects Group III (claims 5-7 and 27-29) "drawn to a method for treating a condition in a patient, wherein said condition is a hyperplasia, hypertrophy, or overgrowth of a tissue." Applicant understands that the restriction requirement will be withdrawn between the linked inventions upon finding the linking claims allowable.

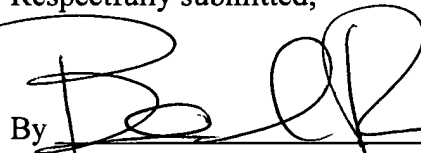
The Examiner also requires an election of species, as set forth as (a)-(k) on pages 8-9 of the Office Action. Applicant understands that, upon allowance of a generic claim, the scope of examination will be expanded to the non-elected species. Accordingly, Applicant elects "(a) SEQ ID NO: 1, a fragment thereof, a homolog thereof, a variant thereof, a derivative thereof, or an enantiomer thereof." Claims 1-46 are readable on the elected species.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date 23 August 2005

By

 35,087 fm

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